

# EXHIBIT 5

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE**

IN RE: COLGATE-PALMOLIVE	)	MDL Docket No. 12-md-2320-PB
SOFTSOAP ANTIBACTERIAL HAND	)	
SOAP MARKETING AND SALES	)	ALL ACTIONS
PRACTICES LITIGATION (MDL No. 2320)	)	
_____	)	

**AFFIDAVIT OF ERIC D. HOLLAND IN SUPPORT OF PLAINTIFFS' MOTION FOR  
AWARD OF ATTORNEYS' FEES, EXPENSES, AND REPRESENTATIVE  
PLAINTIFFS' INCENTIVE PAYMENTS**

I, Eric D. Holland, am over the age of eighteen (18) and otherwise competent to testify to all facts and/or opinions contained in this Affidavit.

1. I am the managing partner of the Holland Law Firm (HLF). I make this Affidavit of my own personal knowledge, and if called to do so, I could testify competently to the matters stated herein. I was appointed to the Plaintiffs' Executive Committee (Dkt. No. 20) in this litigation.

2. I am an attorney admitted to practice in the following state courts: Illinois, Missouri, and Michigan. I have also been admitted generally in federal courts in Illinois, Missouri, Michigan, Texas, and Colorado as well as pro hac vice in state and federal courts in New York, Florida, Ohio, Indiana, Texas, California and Oregon, among others. I lead my firm's aggregate litigation department and have been appointed as co-lead, steering committee and executive committee in a variety of consumer, product, and financial litigations from coast to coast. My credentials include successful prosecution of class actions in state and federal court resulting in recoveries of hundreds of millions of dollars. A copy of my curriculum vitae is attached hereto as *Exhibit A*.

3. This Affidavit is provided in support of Plaintiffs' Motion for Award of Attorneys' Fees, Expenses, and Representative Plaintiff's Incentive Payments. I have personal

knowledge of the time keeping, expense tracking and systems of my law firm as I am the managing partner.

4. From the inception of this litigation through July 31, 2015, HLF expended 1261.25 hours of work in connection with this litigation. Based upon our customary rates in this type of litigation, the lodestar value of that time is \$621,695.00.

5. My firm's work on this case was performed on a wholly contingent basis pursuant to contingency fee contracts with the named Plaintiffs. HLF has not received any amounts in connection with this case either as fee income or expense reimbursement. Additionally, all expense amounts were incurred and paid by my firm out of operating funds.

6. Shown below is a true and correct summary identifying the attorneys and staff who have worked on this litigation, the number of hours those individuals worked, their regular hourly billing rates and their respective lodestar values.

The hourly rates shown below are the usual and customary rates charged in St. Louis and the national venues in which the firm typically handles cases for each individual doing the type of work performed on this litigation. These rates are not adjusted, notwithstanding the complexity of this litigation, the skill and tenacity of the opposition, the preclusion of other employment, the delay in payment or any other factors that could be used to justify a higher hourly compensation. Additionally, HLF has been retained on hourly matters at these rates and I have personally been paid retainers based on these rates.

<i>NAME</i>		<i>HOURS</i>	<i>RATE</i>	<i>LODESTAR</i>
Eric D. Holland	Sr. Partner	328	\$750.00 - \$850.00	\$257,180.00
R. Seth Crompton	Partner	726.40	\$400.00 - \$500.00	\$325,390.00
Philip Proud	Law Student/Associate	2.0	\$150.00 - \$250.00	\$300.00
Michael Vogt	Of Counsel	43.6	\$250.00	\$10,900.00

Morgan Teague	Of Counsel	74.75	\$200.00	\$14,950.00
Derrick Jones	Paralegal	86.50	\$150.00	\$12,975.00
<b>TOTALS:</b>		<b>1261.25</b>		<b>\$621,695.00</b>

7. These amounts were derived from contemporaneous daily time records HLF compiled on this matter, which are recorded in our computerized database. The firm requires regular and contemporaneous recording of time records, which occurred in this case.

8. The lodestar summary reflects HLF's experience in the field, the complexity of the matters involved in this litigation, and the prevailing rate for providing such services.

9. HLF has advanced a total of \$20,406.78 in expenses reasonably and necessarily incurred in connection with the prosecution of this litigation. They are broken down as follows:

<b>EXPENSE CATEGORY</b>	<b>AMOUNT</b>
Court/Filing Fees	\$350.00
Travel, Meals, Hotels & Transportation	\$14,524.61
Postage/Overnight Delivery	\$57.46
Outside reproduction	\$46.20
Internal reproduction	\$128.20
Experts/consultants	\$422.00
Computer research	\$1,283.69
Service of Process	\$594.62
Litigation Fund Contributions	\$ 3,000.00
<b>TOTAL:</b>	<b>\$20,406.78</b>

10. These expenses are reflected in the books and records regularly kept and maintained by my firm.

11. In my opinion, the time expended and expenses incurred in prosecuting this action were reasonable and necessary for the diligent litigation of the matter.

12. The terms of the Settlement Agreement were reached after extensive negotiations and through investigation by experienced counsel on both sides and after earnest, knowledgeable, arms-length, and difficult negotiations.

13. It was only after resolving all the settlement provisions that provide relief to the class that Plaintiffs' and Defendant's counsel began negotiating payment of attorneys' fees, costs, and incentive payments.

14. During the course of the Litigation, the representative Plaintiffs were invaluable to the prosecution of the Litigation. These representative Plaintiffs were actively involved throughout the process, including the initial investigation which required researching and gathering supporting documents, exemplars, and information, communicating with Plaintiff's counsel including asking questions and providing input regarding the litigation, responding to written discovery, and appearing for depositions. Before agreeing to the settlement, they played an active role in the settlement process and examined the scope and nature of the relief in the Settlement Agreement in detail, including discussing the same with counsel for Plaintiffs, which sometimes necessitated multiple discussions. But for the Plaintiffs stepping forward and prosecuting the Litigation, the members of the class would not have had the issues raised in the Complaint remedied. For these reasons, I believe that the requested incentive awards in the sum of \$2,500 per Plaintiff are fair, adequate and reasonable given each Plaintiff's substantial services on behalf of the Class.

15. Pursuant to the Settlement Agreement, Plaintiffs have applied for a total award of \$2,000,000 in fees, costs/expenses, and service awards. When accounting for the cost and expenses for the Notice Administrator in the amount of \$174,496, and the requested incentive award in the amount of \$2,500 for each named Plaintiff (for a total of \$12,500 for the five named Plaintiffs), the remaining amount is significantly short of the combined lodestar of Plaintiffs' Counsel, out-of-pocket expenses notwithstanding.

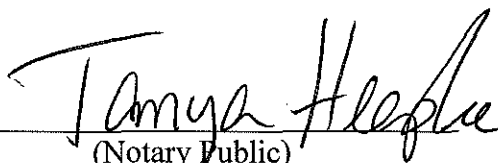
16. The proposed payment of attorneys' fees, litigation expenses and costs, and service payments will be paid separately from the relief afforded to members of the class and will not, in any way, diminish the relief afforded to members of the class. Moreover, other than the named Plaintiffs, the relief afforded does not preclude any member of the Settlement Class from initiating a claim for damages.

  
Eric D. Holland  
Holland Law Firm

Subscribed and sworn to before me this 31<sup>st</sup> day of July, 2015.



11/4/14

  
(Notary Public)

## **Curriculum Vitae**

### **ERIC D. HOLLAND**

Eric D. Holland, managing and founding partner of the St. Louis-based Holland Law Firm, LLC, leads a nationally recognized trial practice at his firm. Mr. Holland has extensively litigated in federal and state courts across the country, serving as lead counsel, co-lead counsel, or in other leadership capacities in a variety of product liability, banking, consumer, and mass tort matters. For the past decade, Mr. Holland has been consistently recognized by his peers as one of the country's leading trial attorneys.

Mr. Holland's experience in the courtroom began 24 years ago. Starting his practice at one of St. Louis' largest law firms, Eric immediately began handling serious injury-related litigation. During the beginning of his career, he handled a large number of individual cases, many of which resulted in record-setting jury verdicts and settlements. He has dozens and dozens of multi-million dollar jury verdicts and settlements in single event cases. These results came primarily in railroad, trucking and product liability matters and include the largest railroad jury verdicts in the State of Missouri for 1999, 2001 and 2005. Mr. Holland still holds the record for the largest F.E.L.A jury verdict in Missouri history, obtained in the 22<sup>nd</sup> Judicial Circuit, State of Missouri on August 29, 2005.

He also has developed an extensive practice in aggregate litigation. He has been nominated and selected to a variety of leadership positions by both his peers and courts across the county. Mr. Holland's most recent appointed leadership positions in aggregate litigation include a number of high profile product liability, banking, pharmaceutical and complex litigation matters, including the following cases:

*Vought, et al., v. Bank of America, N.A.*, Case No. 2:10 CV 2052 (C.D. Ill.)(co-lead counsel)

*Parisot v. U.S. Title Co.*, 8:22 CC 9381 (Circuit Court, City of St. Louis)(co-lead counsel)

*In re: Michigan Oil Spill Litigation/Volstromer v. Enbridge*, 1:10 CV 752 (W.D. Mich.)(executive committee)

*In re: Yasmin and Yaz Sales, Marketing Practices and Product Liability Litigation*, Case No. 3:09-md-02100 (MDL 2100) (S.D. Ill.)(PSC's science committee)

*In re IKO Roofing Products Liability Litigation*, Case No. 2:09-md-02104 (MDL 2104) (C.D. Ill.)(executive committee)

*In re Dial Complete Sales and Marketing Litigation*, Case No. 1:11-md-02263 (MDL 2263) (D.N.H.)(executive committee)

*In re JPMorgan Chase Bank Mortgage Loan Modification Litigation*, Case No. 1:11-md-2290 (MDL 2290) (D. Mass.)(executive committee, discovery chairman and settlement team)

*In re CitiBank HAMP Loan Modification Litigation*, Case No. 2:11-ml-02274 (MDL 2274)(C.D. CA)(executive committee)

*In re KV Pharmaceutical Securities Litigation*, Case No. 4:11-cv-01816 (E.D. MO)(liaison counsel)

*In re HardiePlank Fiber Cement Siding Litigation*, Case No. 12-md-2359 (MDL 2359)(D. MN)(trial team)

*In re Eliason, et al. v Gentek Building Products, Inc.* Case No. 1:10-cv-2093 (ND OH) (executive committee)

*In re Espinoza, et al v Whiting, et al.* Case No. 4:12-cv-01711 (E.D. MO) (liaison counsel)

*In re Emerson Electric Wet/Dry Vac Sales and Marketing Litigation*, MDL 2382 (E.D. MO)(co-lead counsel)

*In re Mirena IUD Products Liability Litigation*, MDL 2434 (S.D. N.Y.)(plaintiffs' steering committee)



*In re H&R Block IRS Form 8863 Litigation*, MDL 2474 (W.D. MO)(executive committee)

*In re Carrier IQ Consumer Privacy Litigation*, MDL 2330 (N.D. CA)(executive committee)

*Smith, et al. v. Volkswagon Group of America, et al.*, 13-cv-00370-SMY (S.D. IL)(co-lead counsel)

*Hayes v. Integrity Title Company*, 11SL-cc-1529 (21<sup>st</sup> Judicial Circuit, State of Missouri)(class counsel)

Mr. Holland's results in aggregate litigation follow the results of his personal injury practice. For example, he served as co-lead counsel in a national products liability class action involving allegedly defective wire harnesses, leading the case through successful settlement and resolution that provided a complete fix of the allegedly defective part at no cost to class members. Mr. Holland also served in the leadership and was on the settlement team in a banking class action that resulted in a settlement valued at over \$500 million by a former Department of Treasury official. Recently, his acumen in complex litigation was cited by the judge presiding over an insurance class action: "The Court further finds, based on the appearance of Class Counsel at hearings and filing of pleadings in the case, that Class Counsel's prosecution and handling of this complex class action case has been exemplary. Attorney Holland, who personally appeared at all substantive hearings, demonstrated a command of complex litigation that resulted in the rare opportunity for complete relief for class members. The Court commends Holland and his firm...for their prosecution of this action." *Hayes v. Integrity Title Company*, 11SL-cc-1529 (21<sup>st</sup> Judicial Circuit-Honorable Tom J. DePriest, Jr., presiding).

Mr. Holland is a frequent lecturer regarding complex litigation topics. He has been featured on a variety of complex federal litigation topics including electronically stored evidence, the nuances of class action litigation, and federal civil procedure. Mr. Holland has also

been a featured speaker on complex litigation at a number of nationally acclaimed symposia across the country regarding complex federal litigation. Recently, he again spoke at the 13<sup>th</sup> Annual Class Action and Complex Litigation Symposium in New Orleans, Louisiana, serving on a panel chaired by Professor Arthur Miller and including Mark Geragos, Ken Starr and Professor Francis McGovern on the topic of federal class action litigation. Mr. Holland has been featured in programs from coast to coast and regularly accepts invitations to educate other lawyers about federal litigation.

Mr. Holland has been consulted or retained as counsel by judges, national and local labor unions, Fortune 500 companies, elected officials, public entities, and, most importantly, a variety of catastrophically injured victims and their families. His background in the labor movement has led to Eric's keen interest in the rights of those injured, maimed and killed due to the negligent conduct of others. As part of his practice, he serves as designated legal counsel to a national labor union and has served the last three years as liaison counsel for an international labor union's regional convention.

Mr. Holland is a 1988 graduate of the University of Illinois at Urbana-Champaign and a 1991 graduate of the St. Louis University School of Law, where he was elected to the Law Review. He is admitted to practice in the state courts of Missouri, Illinois, and Michigan, as well as federal courts across the country. Particularly, he has been generally or pro hac vice admitted in federal districts in Missouri, Illinois, Michigan, Ohio, Pennsylvania, New York, New Hampshire, Florida, Texas, Oklahoma, Arkansas, Iowa, Colorado, California, Oregon, and Washington.

Mr. Holland has been recognized for his professional accomplishments for many years including holding an AV Preeminent rating from Martindale-Hubbell, which is a peer-reviewed

analysis of attorneys primarily focused on skills and ethics. He has also been designated a “Top Rated Lawyer “(Product Liability, Mass Tort, and Class Action), a “Super Lawyer”, and noted by the National Trial Lawyers as a “Top 100 Trial Lawyer”. He is a past member of the Board of Governors for the Missouri Association of Trial Attorneys, has served on the steering committee for the Midwest Innocence Project, and presently does work on behalf of Legal Services of Eastern Missouri.

**EDUCATION:**

St. Louis University, J.D., 1991. The St. Louis University Law Journal, 1991-1992.

University of Illinois, B.A., 1988. Dean’s List. Lambda Chi Alpha social fraternity.

**ADMISSIONS:**

1991, Illinois; 1992, Missouri and U.S. District Court, Eastern District of Missouri; 1993, U.S. District Court, Southern District of Illinois; 2005, U.S. District Court, Northern District of Illinois; 1998, U.S. District Court, Eastern District of Texas and U.S. District Court, Eastern District of Michigan; 2004, Michigan.

**HONORS, AWARDS, PUBLICATIONS AND PRESENTATIONS:**

Author, “Mitigation of Damages: The Plaintiff’s Duty but the Railroad’s Burden,” Missouri Lawyer’s Weekly, October 1997;

Speaker: “Federal Employer’s Liability Act,” National Business Institute’s Workplace Injury Seminar, St. Louis, Missouri, 2003;

“Presentation of Psychiatric Evidence in Work Injury Cases,” ABA Labor and Employment Law Section Mid-Year Meeting, February, 2005;

Chairman, ABA Labor and Employment Law Section subcommittee on FELA/Jones Act Litigation, 2005;

Panel Member, “Electronically Stored Information—Plaintiff, Defense and Judicial Perspectives”, Missouri Best Practices Seminar, 2010; Speaker, “Electronically Stored Information—What you Don’t Know Will Hurt You”, Women’s Lawyer’s Association, 2010;

Speaker, Class Action Litigation Developments, Harris Martin MDL symposium, Savannah, Georgia, November, 2011;

Speaker, Consumer Class Actions in the Mass Tort Context, Harris Martin MDL symposium, Miami, Florida, January, 2012;

Panel Chair, Carrier IQ Privacy Litigation, Harris Martin MDL Conference, San Diego, California, March, 2012;

Speaker, Complex Litigation and RICO, 12<sup>th</sup> Annual Class Action and Complex Litigation Symposium, November, 2012;

Panelist, Louisiana Bar Association's Annual Maritime Seminar, September, 2014;

Panelist, Led by Professor Arthur Miller regarding Professor Miller's 2013 article in N.Y.U. Law Review, 13<sup>th</sup> Annual Class Action and Complex Litigation Symposium, November 2013;

Panelist, Led by Dean Thomas Galligan, Recent Developments in Complex Litigation, 14<sup>th</sup> Annual Class Action and Complex Litigation Symposium, November 2014;

Top 100 Trial Lawyer Award, National Trial Lawyers, 2011 to present;

Missouri and Kansas "Super Lawyers", 2006 to present;

Martindale "AV Preeminent" Attorney, 2003 to present;

Detroit Business Magazine "Top Lawyers";

"Top Rated Lawyers", American Lawyer 2012 (Product Liability, Mass Tort, and Class Actions).

**MEMBERSHIPS:**

Bar Association of Metropolitan St. Louis;

Illinois State Bar Association;

The Missouri Bar;

American Bar Association

American Association for Justice;

Missouri Association of Trial Attorneys (Member, Board of Governors, 2004-07);

National Institute of Trial Advocacy;

National Trial Lawyers.

## **HOLLAND LAW FIRM, LLC**

**Attorneys at Law**  
**www.ehollandlaw.com**

**Office:**  
**St. Louis, Missouri**

300 North Tucker Blvd, Suite 801  
St. Louis, MO 63101  
Telephone: (314) 241-8111  
Facsimile: (314) 241-5554  
Toll Free: (877) 255-3352

### **FIRM BACKGROUND**

**Holland Law Firm, LLC** is a civil litigation firm offering a wide range of services to its clients. The firm handles litigation in state and federal courts across the country on behalf of individuals, corporations, and government entities. The firm's attorneys are experienced trial lawyers handling litigation involving class and mass actions, railroad, maritime, and trucking accidents, catastrophic personal injuries, wrongful death, traumatic brain injuries, and complex commercial litigation. From the firm headquarters in St. Louis, Missouri, the firm provides clients with powerful resources coupled with nationally recognized trial attorneys in their fight for justice.

The firm has extensive experience in federal court litigation including product liability, consumer, securities, antitrust, banking, railroad, maritime, and diversity matters. The firm's attorneys litigate cases in state and federal courts across the country.